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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,261	01/27/1999	HAJIME INOUE	SONYJP3.0-05	6539

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EXAMINER
SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/238,261	Applicant(s) INOUE ET AL.	
	Examiner Annan Q Shang	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 January 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 - 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Aras et al (5,872,588).

As to claim 1, note the Aras et al reference, Figures 4B, which disclose a method and apparatus for monitoring audio-visual materials presented to a subscriber. The claim is met as follows: the claimed 'storage means for storing selection information of the broadcast program at a predetermined acquisition timing' is met by behavior collection center 121, note col. 14, lines 25-47, at a pre-selected time home station automatically turns 'ON' and performs initialization activities which includes allocating space in memory for behavior collection data; the claimed 'transmission means for transmitting the selection history information which.... is met by the home station receiver/transmitter, note col. 5, lines 40-67, note that the home station has an up-link

communication capability, the claimed 'to a notification destination at a predetermined transmission timing,' is met by automatically turning 'ON' of the home station at a predetermined time and the home station sending Behavior Collection Table (BCT) to a Behavior Collection Center (BCC), note col. 14, lines 25+ and col. 17, lines 5-21.

As to claim 2, the claimed 'a broadcast-program selection history information acquisition apparatus where the selection information is composed of channel number information of the selected broadcast program and time information showing the time when the broadcast program is selected,' is met by Figure 14, note col. 17, lines 57-col. 18, lines 1-9.

As to claim 3, the note Figures 6C and 6D, note col. 15, lines 34-col. 16, lines 1-21, steps 6081-6097 teaches the same channel number information is consecutively detected as the history of broadcast programs stored in the storage means at the predetermined, note when AVI.State=SAME_AVI the Behavior Collection Table (BCT) entry, for the particular AVI is updated.

As to claim 4, the claimed 'where the acquisition timing is a time interval shorter ... is inherently taught.

As to claim 5, note Figure 6(j), the claimed 'selection information includes additional information showing types and audience modes of the selected broadcast programs,' met by user responses to command executing a special program which tune home station to a particular channel for downloading software, note col. 18, lines 10-29.

As to claim 6, Aras further teaches a broadcast-program selection where the additional information includes information showing whether broadcast programs are recorded or not, note col. 14, lines 8-24.

As to claim 7, Aras inherently teaches this limitation.

As to claim 8, Aras further teaches a broadcast-program selection history information acquisition apparatus where the transmission means comprises a wide variety of techniques that can involve compression, packetization, error correction codes etc. and other communication medium and protocol desired.

Claim 9 is met by that discussed in claim 1.

Claim 10 is met by that discussed in claim 2.

Claim 11 is met by that discussed in claim 3.

Claim 12 is met by that discussed above.

Claim 13 is met by that discussed in claim 5.

Claims 14, 15 and 16 are met by that discussed in claims 6, 7 and 8 respectively.

Claim 17 is met by that discussed in claim 1. note the claimed 'storage means for storing selection information at a selection timing when the broadcast program is selected' is met by steps 6001+ of Figure 6A, note col. 14, lines 33+..

Claim 18 is met by that discussed in claim 2.

As to claim 19, Aras further discloses a broadcast-program history information apparatus where the selection timing is the timing when the broadcast program is changed, note col. 15, lines 34-57.

As to claim 20, Aras further discloses a broadcast-program selection history information acquisition apparatus where at the change timing when a supply destination of the broadcast program is changed by selecting the broadcast program, the storage means stores identification information of the supply destination and the selection information, note figure 6 and col. 15, lines 34-57.

As to claim 21, the claimed method steps of.... is met by that discussed above.

Claim 22 is met by that discussed above.

As to claim 23, the claimed method is discussed above in claim 19.

As to claim 24, the claimed 'broadcast-program selection history information acquisition method where.... is met by that discussed in claim 20.

As to claim 25, the claimed 'a broadcast-program selection history information acquisition apparatus for operating based on predetermined power supplied from power supply means and acquiring selection history information of a broadcast program selected out of broadcast programs of a plurality of channels' is met as follows: storage means and transmission means are met by that discussed in claim 1, the claimed 'power-supply detection means for detecting whether the power is supplied or not' is met by the event handler, note Figure 6(e) and col. 16, lines 34-51, the claimed 'control means for storing... is met by met by the power off event processing means as noted in Figure 6(e) above.

Claim 26 is met by that discussed above.

Claim 27 is inherently taught.

As to claim 28, the claimed 'a broadcast-program selection history information acquisition method of operating based on predetermined power supplied from power supply means and acquiring selection history information of a broadcast program selected out of broadcast programs of a plurality of channels comprising the steps of...is met as follows: the claimed 'storing selection information..., transmitting the selection... is met by that discussed in claim 9, the claimed 'and storing the selection history information in the storage means ....is met by that discussed in claim 25.

Claim 29 is met by that discussed in claim 2.

Claim 30 is met by that discussed above

Claim 31 is met by that discussed in claim 9, note the claimed 'to a notification destination at an intrinsically-assigned predetermined transmission timing' is met by col. 17, lines 1-21, note that intrinsically-assigned predetermined transmission timing can be set within the memory.

As to claim 32, Aras et reference further teach information acquisition apparatus where the transmission timing is assigned at random in accordance with an intrinsic random number, note col. 17, lines 1-21, note the BCT table can be transmitted when the home station is powered up, power off, when the BCT table exceeds a certain size in memory and also back on the fly.

As to claim 33, Aras further teaches the broadcast-program selection history information acquisition apparatus where the transmission means transmits the selection history information through a predetermined telephone line, and decides predetermined

transmission timing based on a telephone number assigned to the telephone line, note figure 14 and col. 17, lines 28-56.

As to claim 34, Aras further teaches the broadcast-program selection history information acquisition apparatus where the transmission timing is individually assigned to each of a plurality of the selection history information respectively obtained from a plurality of the broadcast program selection history information acquisition apparatuses, note col. 17, lines 32-56, note that each subscriber account number or ID has a time stamp for indicating when the BCT information was transmitted.

As to claim 35, the claimed 'stores registry time information... is met by BCT table storing registry time information, the claimed 'transmission means decides transmission timing... is met by the time stamp within each BCT which defines when data was assembled for transmission to distribution node, note col. 17, lines 57-col. 18, lines 1-8.

Claim 36 and 37 are met by that discussed above.

As to claim 38, Aras further teaches the broadcast-program selection history information acquisition apparatus where when transmitting selection history information to the notification destination through a predetermined line at the transmission timing, the broadcast-program selection history information acquisition apparatus changes the setting of acquiring the selection information and/or the setting of the transmission timing based on a change command transmitted from the notification destination through the line, note col. 17, lines 46-col. 18, lines 1-15, the that the BCC collection server can request for data on the fly, periodically, query the data table at any time.

Claim 39 is met by that discussed in claim 31.

Claim 40 is met by that discussed in claim 32.

Claim 41 is met by that discussed in claim 33.

Claim 42 is met by that discussed in claim 35.

Claim 43 is met by that discussed in claim 29.

Claim 44 is met by that discussed in claim 37.

Claim 45 is met by that discussed in claim 33.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Massetti (5,974,299) discloses an audience rating system for digital telephone and radio.

Kaplan (5,903,635) discloses an advertising effectiveness rating system.

Ludtke (6,202,210) discloses a method and system for collecting data over a 1394 network to support analysis of consumer behavior, marketing and customer support.

Kiefl et al (WO 9417609) disclose a television viewer monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annan Q Shang whose telephone number is 703-305-2156. The examiner can normally be reached on 700am-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-746-5991 for regular communications and 703-746-5991 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 703-306-0377.

Annan Q. Shang
May 3, 2002

MICHAEL H. LEE
PRIMARY EXAMINER